

### REMARKS

Applicant has amended claims 4, 7-10, 14, 17-20, and 44-53, and has cancelled claims 5, 6, 15, and 16 without prejudice. Support for the amendments to claims 44-46 can be found, for example, at page 7, lines 3-19 of Applicant's application. Applicant also has added new claims 54 and 55.

Applicant acknowledges the Examiner's statement that claims 6-10, 16-20, and 49-53 are allowable.

Claims 4, 7-10, 14, 17-20, and 44-55, of which claims 4, 7, 14, 17, 44, and 49 are independent in form, are presented for examination.

### Information Disclosure Statement

The Examiner has stated that the listing of references in the specification is not a proper Information Disclosure Statement. Specifically, the Examiner has noted that U.S. Patent Nos. 5,641,588 and 5,569,551 have not been cited in Information Disclosure Statements.

Applicant has filed an Information Disclosure Statement citing U.S. Patent Nos. 5,641,588 and 5,569,551 with this Reply to Office Action. The Information Disclosure Statement also correctly cites references that had been crossed out by the Examiner in an earlier Information Disclosure Statement.

Additionally, Applicant does not necessarily agree with the Examiner's characterization, on pages 3 and 4 of the February 17, 2004 Office Action, of the references cited in the International Search Report.

### Specification

The Examiner has objected to the abstract of the disclosure because it is too long. In reply to the Examiner's rejection, Applicant has deleted the original abstract, and has included a clean version of a new abstract as an attachment to this Reply to Office Action.

**Claim Rejections – 35 U.S.C. § 102 (Pedicini)**

The Examiner has rejected claims 4 and 14 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,475,658 (Pedicini). Applicant has amended claims 4 and 14 to include, respectively, the features of claims 6 and 16, which the Examiner has indicated are allowable. Therefore, claims 4 and 14 should be passed to allowance.

**Claim Rejections – 35 U.S.C. § 102 (Cook)**

The Examiner has rejected claims 4, 5, 14, and 15 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,599,174 (Cook). Claims 5 and 15 have been cancelled. Claims 4 and 14 have been amended to include, respectively, the features of claims 6 and 16, which the Examiner has indicated as allowable. Applicant requests that the rejection of claims 4 and 14 be withdrawn.

**Claim Rejections – 35 U.S.C. § 102 (Sullivan)**

The Examiner has rejected claims 44-46 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,185,549 (Sullivan).

As amended, claims 44-46 recite a system for manipulating a diaphragm gas mover to provide a flow of air to an air-fueled device. The system includes a diaphragm, the movement of which provides a flow of air to the air-fueled device. Sullivan describes a piezoelectric electro-acoustic device that is used in speaker systems. (See, e.g., Sullivan, Abstract; col. 1, line 65 — col. 2, line 4.) For example, Sullivan notes that, “It is [an] . . . object of the present invention to provide a speaker system having a large effective mouth area which is capable of displacing a large amount of air to produce excellent low-frequency sound reproduction.” (Sullivan, col. 2, lines 33-37.) Sullivan does not describe or suggest a diaphragm that moves to provide a flow of air to an air-fueled device, such as a metal-air cell or a fuel cell. Thus, Applicant requests that the rejection of claims 44-46 be withdrawn.

**Claim Rejections – 35 U.S.C. § 103 (Sullivan and Dausch)**

The Examiner has rejected claims 47-48 under 35 U.S.C. § 103(a) as unpatentable over Sullivan in view of U.S. Patent No. 6,359,374 (Dausch).

Claims 47 and 48 depend from claim 44. As discussed above, Sullivan does not describe or suggest a diaphragm that moves to provide a flow of air to an air-fueled device, such as a metal-air cell or a fuel cell. Therefore, Sullivan does not describe or suggest the system recited in claims 47 and 48. Dausch, which describes an electrical relay that includes a piezoelectric actuating element, does not correct the deficiencies of Sullivan. (See, e.g., Dausch, Abstract.) For example, Dausch also does not describe or suggest a diaphragm that moves to provide a flow of air to an air-fueled device.

Applicant believes that the claims are in condition for allowance, which action is requested. Enclosed is a check for the Petition for Extension of Time fee. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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### **Abstract of the Disclosure**

Air managers for power supplies such as metal-air batteries or fuel cells are described. In some embodiments, the air managers can include a diaphragm, the movement of which can cause air to be exchanged, for example, between the interior and exterior of the casing of a metal-air battery or fuel cell.

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